

### REMARKS

Claims 1-6, 8, 9, 12, 14, 16-22, 24, 26, 28 and 30 are pending. Claims 7, 10, 11, 13, 15, 23, 25, 27 and 29 have been canceled.

The instant Office Action states that Claims 11, 13, 25 and 27 are rejected. See the Office Action Summary of the instant Office Action. Applicants respectfully point out that Claims 11, 13, 25 and 27 are canceled, and in so much as these claims have been canceled, Applicants respectfully submit that the rejections of Claims 11, 13, 25 and 27 are moot at this time.

In addition, various portions of the instant Office Action cite to Raith (U.S. Patent No. 666,687,504). However, in so much as U.S. Patent No. 666,687,504 does not exist, Applicants assume that the citations to U.S. Patent No. 666,687,504 constitute clerical errors. Moreover, in so much as U.S. Patent No. 6,687,504 is cited in the Notice of References Cited in the instant Office Action, for the purpose of responding to the instant Office Action, Applicants have treated the citations to Raith (U.S. Patent No. 666,687,504) in the instant Office Action as citations to U.S. Patent No. 6,687,504 (hereinafter referred to as "Raith").

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

**I. Claims 1-6, 8, 9, 11, 16-22, 24 and 30**

The instant Office Action states that Claims 1-6, 8, 9, 11, 16-22, 24 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chern et al. (U.S. Patent No. 6,456,854; hereinafter "Chern") in view of Phelan (U.S. Patent No. 6,240,360), and in further view of Raith, and in further view of MacDoran et al. (U.S. Patent No. 5,757,916; hereinafter "MacDoran"). Applicants respectfully point out that Claim 11 is canceled, and in so much as this claim has been canceled, Applicants respectfully submit that the rejection of Claim 11 is moot at this time. Moreover, Applicants have reviewed the above-cited art and respectfully submit that the embodiments as recited in Claims 1-6, 8, 9, 16-22, 24 and 30 are patentable over Chern in view of Phelan, and in further view of Raith, and in further view of MacDoran, for at least the following rationale.

Independent Claim 1, and similarly independent Claim 17, recites the features (emphasis added):

A method of location authentication, the method comprising:  
receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and an automatically generated location stamp attached to an overhead portion of the message, the location stamp indicating the geographical location of the mobile device as an origin of the message;  
confirming an identity of a sender of the message based on the location stamp; and  
determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account.

Applicants respectfully submit that Chern in view of Phelan, and in further view of Raith, and in further view of MacDoran, fails to teach or suggest each and every element of Claim 1, and similarly Claim 17. Applicants understand Chern to teach a system and method for locating and tracking mobile telephone devices via the Internet. Applicants understand Phelan to teach a computer system for identifying local resources. Applicants understand MacDoran to teach a method and apparatus for authenticating the location of remote users of networked computing systems.

Applicants understand Raith to teach a method and apparatus for releasing location information of a mobile communications device. Applicants further understand Raith to teach:

the user may be assigned a "home-area," where preferential pricing is employed in a location based billing system. Therefore, in one implementation, the request processor will automatically release the location information whenever it receives a network management request for billing.

Raith, column 3, lines 43-48.

However, Applicants do not understand Chern in view of Phelan, and in further view of Raith, and in further view of MacDoran, to teach or suggest, "receiving a message from a mobile device, ... and determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account", as claimed.

As stated above, Applicants understand Chern to teach a system and method for locating and tracking mobile telephone devices via the Internet. However, Applicants do not understand locating and tracking mobile telephone devices via the Internet to teach or suggest “determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account”, as claimed (emphasis added).

In addition, as stated above, Applicants understand Phelan to teach a computer system for identifying local resources. However, Applicants do not understand a computer system for identifying local resources to teach or suggest “determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account”, as claimed (emphasis added).

Moreover, as stated above, Applicants understand MacDoran to teach a method and apparatus for authenticating the location of remote users of networked computing systems. However, Applicants do not understand authenticating the location of remote users of networked computing systems to teach or suggest “determining whether the geographical location identified by the

location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account", as claimed (emphasis added).

Therefore, Applicants respectfully submit that Chern, alone or in combination with Phelan and MacDoran, fails to teach or suggest "determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account", as claimed.

Furthermore, Applicants respectfully submit that Raith fails to overcome the shortcomings of Chern in view of Phelan, and in further view of MacDoran. As stated above, Applicants understand Raith to teach a method and apparatus for releasing location information of a mobile communications device. However, Applicants do not understand releasing location information of a mobile communications device to teach or suggest "determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account", as claimed (emphasis added).

The foregoing notwithstanding, the instant Office Action argues:

Raith teaches determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at

least one action identified from the message, the ast [sic] least one action comprising a charge to an account.

See the instant Office Action, page 3, section 6, *citing* Raith, column 3, lines 35-49. After a careful review of Raith, Applicants respectfully disagree with this interpretation of Raith.

As stated above, Applicants understand Raith to teach “the user may be assigned a ‘home-area,’ where preferential pricing is employed in a location based billing system.” Raith, column 3, lines 43-45 (emphasis added).

Applicants further understand Raith to teach “the request processor will automatically release the location information whenever it receives a network management request for billing.” Raith, column 3, lines 45-48 (emphasis added).

However, Applicants do not understand “the user may be assigned a ‘home-area,’ where preferential pricing is employed in a location based billing system” or “automatically release[ing] the location information whenever it receives a network management request for billing” to teach or suggest “receiving a message from a mobile device, ... and determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account”, as claimed (emphasis added).

For at least the foregoing rationale, Applicants respectfully submit that Claim 1, and similarly Claim 17, are not unpatentable over Chern in view of Phelan, and in further view of Raith, and in further view of MacDoran, under 35

U.S.C. § 103(a). As such, allowance of Claims 1 and 17 is respectfully requested.

With respect to Claims 2-6, 8, 9 and 16, Applicants respectfully point out that Claims 2-6, 8, 9 and 16 depend from allowable independent Claim 1, and recite further features. With respect to Claims 18-22, 24 and 30, Applicants respectfully point out that Claims 18-22, 24 and 30 depend from allowable independent Claim 17, and recite further features. Therefore, Applicants respectfully submit that Claims 2-6, 8, 9, 16, 18-22, 24 and 30 overcome the rejections under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance as being dependent on an allowable base claim. As such, allowance of Claims 2-6, 8, 9, 16, 18-22, 24 and 30 is respectfully requested.

## **II. Claims 12-14 and 26-28**

Claims 12-14 and 26-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chern in view of Phelan, and in further view of Raith, and in further view of MacDoran, and in further view of Ray et al. (U.S. Patent No. 6,067,529; hereinafter "Ray"). Applicants respectfully point out that Claims 13 and 27 are canceled, and in so much as these claims have been canceled, Applicants respectfully submit that the rejections of Claims 13 and 27 are moot at this time. Moreover, Applicants have reviewed the above-cited art and respectfully submit that the embodiments as recited in Claims 12, 14, 26 and 28 are patentable over Chern in view of Phelan, and in further view of Raith, and in

further view of MacDoran, and in further view of Ray, for at least the following rationale.

Claims 12 and 14 are dependent on independent Claim 1 and include the recitations of Claim 1. Claims 26 and 28 are dependent on independent Claim 17 and include the recitations of Claim 17. Hence, by demonstrating that Chern in view of Phelan, and in further view of Raith, and in further view of MacDoran, and in further view of Ray, does not teach or suggest the features of Claims 1 and 17, it is also demonstrated that Chern in view of Phelan, and in further view of Raith, and in further view of MacDoran, and in further view of Ray, does not teach or suggest the embodiments of Claims 12, 14, 26 and 28.

As stated above, independent Claim 1, and similarly independent Claim 17, recites the features (emphasis added):

A method of confirming an authorized transaction, the method comprising:

...

determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account.

Applicants respectfully submit that Chern in view of Phelan, and in further view of Raith, and in further view of MacDoran, and in further view of Ray, fails to teach or suggest each and every element of Claim 1, and similarly Claim 17, at least because Ray fails to overcome the shortcomings of Chern, Phelan, Raith

and MacDoran, as explained *supra*.

In particular, Applicants understand Ray to teach a system and method for sending a short message containing purchase information to a destination terminal. However, Applicants do not understand sending a short message containing purchase information to a destination terminal to teach or suggest “determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account”, as claimed.

Therefore, Applicants respectfully submit that Chern, alone or in combination with Phelan, Raith, MacDoran and Ray, fails to teach or suggest the features of Claim 1, and similarly Claim 17. As such, allowance of Claims 1 and 17 is respectfully requested.

With respect to Claims 12 and 14, Applicants respectfully point out that Claims 12 and 14 depend from allowable independent Claim 1, and recite further features. With respect to Claims 26 and 28, Applicants respectfully point out that Claims 26 and 28 depend from allowable independent Claim 17, and recite further features. Therefore, Applicants respectfully submit that Claims 12, 14, 26 and 28 overcome the rejections under 35 U.S.C. § 103(a), and that each of these claims are thus in a condition for allowance as being dependent on an allowable

base claim. As such, allowance of Claims 12, 14, 26 and 28 is respectfully requested.


### CONCLUSION

In light of the above-listed remarks, reconsideration of the rejected claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-6, 8, 9, 12, 14, 16-22, 24, 26, 28 and 30 overcome the rejections of record. Therefore, allowance of Claims 1-6, 8, 9, 12, 14, 16-22, 24, 26, 28 and 30 is respectfully solicited.

Should the Examiner have a question regarding the instant response, the Applicants invite the Examiner to contact the Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,  
WAGNER BLECHER LLP

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